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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In The Matter of)
)
Amendment of Section 73.202(b),) MM Docket _____
Table of Allotments,)
FM Broadcast Stations) RM _____
(Edinburg, Mississippi))

To:
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

DOCKET FILE COPY ORIGINAL

PETITION FOR RULE MAKING

Johnny Pettit, Individually, (Pettit) hereby petitions the Commission to institute a Notice of Proposed Rule Making (NPRM) for the allocation of channel 244A to Edinburg, Mississippi, as that Community's first broadcast service. Pettit gives the required verifications and also certifies that, if the Commission allocates the channel, he, or an entity of which he is a participating member, will file an application for construction permit.

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CHANNEL 244A AT EDINBURGH QUALIFICATIONS

As shown by the attached engineering statement, channel 244A, when allocated to Edinburg, appears to have short spacing to WONA(FM) Winona, Mississippi. If this were correct, this channel would not qualify for allocation. However, Pettit contends that the Commission can immediately consider channel 244A at Edinburg due to the special circumstances listed below.

In MM Docket 91-152, the Commission issued a Notice of Proposed Rule Making which initially proposed to upgrade WSEL(FM) Pontotoc, Mississippi, to a class C1 on its co-channel of 244. In order for this upgrade to occur, channel 244A in Winona, Mississippi, and channel 244A in Bolivar, Tennessee, had to be assigned to other channels. The petitioner at Pontotoc proposed deleting channel 244A at Winona and substituting channel 236A. Before the Notice was released for Comment, several other conflicting and interrelated petitions were filed. When the Notice (DA 91-688) was released (June 12, 1991), a total of eight communities were involved, four in Mississippi, and four in Tennessee. Counterproposals were offered in the Comment Period and a Public Notice was issued on October 28, 1991 (20436) that listed the proposed channel substitution of 236A for channel 244A at Winona. In the Reply Period to the Public Notice, no opposition was expressed to the substitution of channel 236A for channel 244A at Winona, and this substitution was not in conflict or interrelated to

other proceedings. Therefore, channel 236A will be substituted for channel 244A at Winona when the Commission issues a Final Report and Order in MM Docket 91-152.

A Final Report and Order for this Docket is expected momentarily. Therefore, channel 244A will no longer be allocated to Winona and can be considered at Edinburg.

EDINBURG, MISSISSIPPI

Edinburg is located in Leak County Mississippi. It has a local bank, school and other municipal services that give it the required indicia required by the Commission to be a community of license. According to the 1990 Rand McNally United States Atlas, Edinburg has a population in excess of 500 persons.

PETITION SUMMARIZED

The petition for the allocation of channel 244A at Edinburg can be SUMMARIZE as follows;

<u>COMMUNITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Edinburg	-----	244A

No substitutions of channels in other markets or interruption of service is necessary for this allocation. As channel 244A is deleted at Winona, it becomes available for use at Edinburg.

EXPRESSION OF INTEREST

Pettit hereby certifies that he is interested in the allocation of channel 244A at Edinburg and if the channel is allocated he will timely file an application for construction permit. He further states that he, or an entity in which he is a participant, will construct and daily operate this station if he is the successful applicant.

PETITIONER'S PREFERENCE

Pettit is aware that talk in the "trade" lately has hinted that the Commission may institute a procedure commonly known as "petitioner's preference." This practice would, in essence, give a petitioner a preference when an application window was opened for an allocation. If this rule is implemented before the Commission takes action on Pettit's petition, he will respectfully request a petitioner's preference.

CONCLUSION

Johnny Pettit, Individually, is petitioning the Commission to institute a Notice of Proposed Rule Making leading to the allocation of channel 244A at Edinburg as that community's first local service. This channel is available for allocation as it is deleted at Winona in MM Docket 91-152. Pettit certifies that he will apply for the license at Edinburg if the channel is allocated.

CERTIFICATION

I, Johnny Pettit, Petitioner for the allocation of a new FM broadcast channel at Edinburg, Mississippi, do hereby verify that the statements contained in this Petition for Rule Making are true and correct to the best of my knowledge and belief. I represent that this Petition is not filed for the purpose of impeding, obstructing, or delaying determination on any other application or petition with which it may be in conflict.

Respectfully Submitted,


Johnny Pettit, Individually

This 24 Day of August, 1994

Johnny Pettit, Individually
P.O. Box 746
Winona, MS 38967

CERTIFICATION

I, Paul Reynolds, hereby certify the following: that I am an independent broadcast consultant; that I hold a Bachelor of Science degree in Communications from the University of Southern Mississippi and have completed course work for a Masters Degree in Communications from the University of Alabama; I have been a practicing consultant since 1980, and I am familiar with the Commission's rules and regulations; I have filed numerous petitions and applications in association with Amerimedia, Inc., and my qualifications are known in the industry and at the Commission; I have been retained by Johnny Petitt to prepare this Engineering Statement in support of a "Petition for Rule Making" for the allocation of channel 244A at Edinburg, Mississippi.

All information in this engineering statement was prepared by me or under my direct supervision. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signed 
PAUL REYNOLDS, CONSULTANT

THIS 25th DAY OF AUGUST, 1994

415 NORTH COLLEGE STREET
GREENVILLE, ALABAMA 36037
(205) 382-8048

ENGINEERING STATEMENT

In Support of a

PETITION FOR RULE MAKING

EDINBURG, MISSISSIPPI
MM DOCKET _____, RM. _____

Johnny Pettit, INDIVIDUALLY

HISTORY

The instant engineering statement is submitted in support of a Petition for Rule Making being filed by Johnny Pettit (Pettit), Individually. Pettit is seeking the allocation of channel 244A to Edinburg, Mississippi, as that community's first local service.

Channel 244A can be allocated to Edinburg as it is deleted at Winona, and the request for channel 244C1 is denied at Pontotoc, Mississippi. When the Commission issued the counterproposals for consideration in MM Docket 91-152, no scenarios were listed that involved the Pontotoc upgrade, and there were no negative comments concerning the substitution of channel 236A for channel 244A at Winona. Combined with the fact that this proceeding is over three years in age, it is a certainty that the Final Report and Order will be released soon.

METHODS

The instant study involved establishing a set of reference coordinates for the community of Edinburg. The Community Reference Data Base uses the coordinates:

32°(Degrees), 48'(Minutes), 00"(Seconds) NL; 89°(Degrees), 20'(Minutes), 00"(Seconds) NL. An allocation study was conducted using these coordinates and channel 244A. This reference demonstrates that channel 244A can be allocated to Edinburg as a first local service once channel 244A is deleted at Winona and channel 244C1 at Pontotoc is denied.

EXHIBITS EXPLAINED

Exhibit E, Figure 1 is an allocation study using the community coordinates of Edinburg as reference. This study depicts a 28.69 kilometer short space to WONA(FM) Winona, Mississippi, and a 19.73 kilometer short space to WSEI(FM) Pontotoc, Mississippi. However, these are of no concern since channel 244A is being deleted at Winona and the upgrade at Pontotoc will be denied. Perhaps the main reason for the denial of channel 244C1 at Pontotoc was that the petitioner did not file an expression of continuing interest during the initial Comment Period of the NPRM.

Exhibit E, Figure 2 is a computer generated contour graph depicting that an antenna location "window" exist for the allocation of channel 244A at Edinburg. The location window at 0°(Degrees) to 60°(Degrees) and 260°(Degrees) to 0°(Degrees) is limited only by the 16.2 kilometer class A 70 dBu contour. A study of the site, 70 dBu and community boundaries is not included since no site restriction is

required and the community coordinates are used as reference.

CONCLUSION

The instant engineering study demonstrates that channel 244A can be allocated to Edinburg as that community's first broadcast service once channel 244A is deleted at Winona and channel 244C1 is denied at Pontotoc. These factors are not possibilities or contingencies, since the Pontotoc petitioner did not file the require expression of interest and in the final Counterproposal Reply Period, no opposition to the substitution of channel 236A for channel 244A at Winona was filed.

ENGINEERING STATEMENT

In Support of a

PETITION FOR RULE MAKING

[MM DOCKET _____, RM _____]
Channel 244A, Edinburg, Mississippi
JOHNNY PETTIT, INDIVIDUALLY

ALLOCATION STUDY

[DEPICTING THAT CHANNEL 244A CAN ALLOCATED TO EDINBURG AT
COMMUNITY REFERENCE COORDINATES]

(AFTER DELETION OF CHANNEL 244A @ WINONA & DENIAL OF CHANNEL 244C1 @ PONTOTOC)

32 48 00 N. 89 20 00 W.			Class A Current rules spacings Channel 244A - 96.7 MHz			Search Date 08-25-94	
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
Community of Edinburg			MS	0.0	0.0		
Reference Coordinates: 32-48-00 89-20-00							
WOMAFM 244A Winona			MS	332.9	86.31	115.0	-28.69 *
Of No Concern Deleted in MM Docket 91-152							
DE244 244A Winona			MS	332.9	86.31	115.0	-28.69 *
Of No Concern Reference to Proposed Deletion							
AD244 244C1 Pontotoc			MS	13.1	180.27	200.0	-19.73 *
Of No Concern Denied in MM Docket 91-152							
WOKK 246C1 Meridian			MS	130.9	79.81	75.0	4.81 *
WOKK.C 246C1 Meridian			MS	131.0	80.29	75.0	5.29 *
WJDX 242C Jackson			MS	238.3	118.20	95.0	23.20
WLZA 241C2 Eupora			MS	17.3	86.84	55.0	31.84
AD241 241C2 Columbus			MS	40.1	96.63	55.0	41.63
KWCLFM 244C3 Oak Grove			LA	272.0	189.51	142.0	47.51
ALOPEN 244C3 Oak Grove			LA	272.0	189.62	142.0	47.62
DE244 244A Pontotoc			MS	12.1	164.82	115.0	49.82
WSELFM 244A Pontotoc			MS	12.1	164.82	115.0	49.82

EXHIBIT
Figure

